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Mathieu G. Blackston (Bar No. 241540)  
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Attorneys for Plaintiff,  
Targetsafety.Com, Inc.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TARGETSAFETY.COM, INC., a California  
corporation,

Plaintiff,

v.

CONTINUING EDUCATION COORDINATING  
BOARD FOR EMERGENCY MEDICAL  
SERVICES, INC., a Missouri non-profit corporation  
and DOES 1-10

Defendants.

Case No.: 08-CV-0994-JLS-JMA

**NOTICE OF ERRATA TO THE  
DECLARATION OF KYLE  
KAECHELE IN SUPPORT OF  
TARGETSAFETY.COM'S REPLY RE:  
MOTION FOR PRELIMINARY  
INJUNCTION AND TEMPORARY  
RESTRAINING ORDER**

Date: October 16, 2008  
Time: 1:30 p.m.  
Dept: 6  
Judge: Hon. Janis L. Sammartino

TO THE COURT, THE PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Plaintiff TargetSafety.Com, Inc. ("TargetSafety") respectfully submits the following  
errata regarding the Declaration of Kyle Kaechele in Support of TargetSafety.Com's Reply Re:  
Motion for Preliminary Injunction and Temporary Restraining Order. The corrections noted  
below are due to typographical errors.

1. Replace hearing date on caption of October 13, 2008 with October 16, 2008.
2. Replace the sentence appearing in Paragraph 8, at lines 5-9, page 3 with the  
following sentence: "At no time during the application process until in or about April 2008 did  
Ms. Sibley or anyone from CECBEMS inform me, or to the best of my knowledge anyone at  
TargetSafety, that a requirement of CECBEMS course-by-course accreditation was that an online

1 education provider, such as TargetSafety, must agree to only offer CECBEMS-accredited courses  
2 and not offer state-accredited courses.”<sup>1</sup>

3 TargetSafety hereby attaches pages 1 and 3 of the Declaration of Kyle Kaechele in  
4 support of TargetSafety.Com’s Reply Re: Motion for Preliminary Injunction and Temporary  
5 Restraining Order containing the noted corrections. TargetSafety respectfully requests that the  
6 Court consider the matters noted herein.

7  
8 DATED: August 21, 2008

PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP

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10 By: /s/ Frank L. Tobin  
11 Frank L. Tobin  
12 Mathieu G. Blackston  
13 Attorneys for Plaintiff,  
14 TargetSafety.com, Inc.  
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28 <sup>1</sup> The execution date and location of signing of the Declaration has also been changed to show the actual date that and location where the corrected page was signed.



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9 Attorneys for Plaintiff,  
10 Targetsafety.Com, Inc.

11 UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 TARGETSAFETY.COM, INC., a California  
14 corporation,

15 Plaintiff,

16 v.

17 CONTINUING EDUCATION COORDINATING  
18 BOARD FOR EMERGENCY MEDICAL  
19 SERVICES, INC., a Missouri non-profit corporation  
20 and DOES 1-10

21 Defendants.

Case No.: 08-CV-0994-JLS-JMA

22 **DECLARATION OF KYLE  
23 KAECHLE IN SUPPORT OF  
24 TARGETSAFETY.COM'S REPLY RE:  
25 MOTION FOR PRELIMINARY  
26 INJUNCTION AND TEMPORARY  
27 RESTRAINING ORDER**

28 Date: October 16, 2008  
Time: 1:30 p.m.  
Dept: 6  
Judge: Hon. Janis L. Sammartino

I, Kyle Kaechele, declare as follows:

1. I am Managing Director for TargetSafety.Com, Inc.'s ("TargetSafety") Prevention Link Services. I have worked for TargetSafety since 2001 and as part of my job duties I have actively developed sales and business opportunities in the sector of TargetSafety's business offering online continuing education courses for emergency medical service ("EMS") professionals.

2. I have personal knowledge of the following facts and would and could testify to them if called upon to do so, with the exception of those matters stated on information and belief and as to those matters I believe them to be true.

3. By the spring of 2006, TargetSafety's online EMS continuing education product had become very popular with EMS professionals. At this time, TargetSafety's online EMS

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DECLARATION OF KYLE KAECHLE IN SUPPORT OF PLAINTIFF'S REPLY RE: MOTION FOR  
PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

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1           8.       Later that year, TargetSafety decided to apply for course-by-course accreditation  
2 from CECBEMS in order to expand its market share into states where CECBEMS' accreditation  
3 is required. At no time during the application process did I inform Ms. Sibley or anyone at  
4 CECBEMS that TargetSafety would no longer offer its online continuing courses that had been  
5 accredited by state EMS agencies. At no time during the application process until in or about  
6 April 2008 did Ms. Sibley or anyone from CECBEMS inform me, or to the best of my  
7 knowledge anyone at TargetSafety, that a requirement of CECBEMS course-by-course  
8 accreditation was that an online education provider, such as TargetSafety, must agree to only  
9 offer CECBEMS-accredited courses and not offer state-accredited courses.

10           I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12           Executed this 20<sup>th</sup> day of August 2008, at San Diego, California.

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TargetSafety.com

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Case No.: 08-CV-0994-JLS-JMA

**PROOF OF SERVICE**

Date: October 16, 2008  
Time: 1:30 p.m.  
Dept: 6  
Judge: Janis L. Sammartino

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 530 "B" Street, Suite 2100, San Diego, California 92101.

On August 21, 2008, I served the within documents:

- **NOTICE OF ERRATA TO THE DECLARATION OF KYLE KAECHLE  
IN SUPPORT OF TARGETSAFETY.COM'S REPLY RE: MOTION FOR  
PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING  
ORDER**

☐ by transmitting via facsimile number (619) 235-0398 the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmission confirmation report is attached hereto.

☒ by the Court's Electronic Filing System pursuant to U.S. District Court, Southern District, Local Civil Rule 5.4(c)

PROOF OF SERVICE

1 Keith Zakarin  
2 Duane Morris LLP  
3 101 West Broadway, Suite 900  
4 San Diego, CA 92101  
(619)744-2278  
(619)744-2201 (fax)  
kzakarin@duanemorris.com

Attorneys for Defendants Continued  
Education Coordinating Board for  
Emergency Medical Services, Inc


☐

(State) I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

☒

(Federal) I declare that I am employed in the office of a member of the bar of this court  
at whose direction the service was made.

Executed on August 21, 2008, at San Diego, California

  
Barbara Culp